

1 DAVID M. GIVEN (State Bar No. 142375)
2 MEAGAN MCKINLEY-BALL (State Bar No. 245375)
3 PHILLIPS, ERLEWINE & GIVEN LLP
4 One Embarcadero Center, Suite 2350
5 San Francisco, California 94111
6 Telephone: (415) 398-0900
7 Facsimile: (415) 398-0911

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8 M. KELLY TILLERY
9 PEPPER HAMILTON LLP
10 3000 Two Logan Square
11 Eighteenth and Arch Streets
12 Philadelphia, PA 19103
13 Telephone: (215) 981-4000
14 Facsimile: (215) 981-4750
15 *PRO HAC VICE*

16 Attorneys for Plaintiff

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18 IN THE UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION

21 PHASE FORWARD INCORPORATED,)

CASE NO. C 05-4232 JF (HRL)

22 Plaintiff,)

STIPULATION AND

23 v.)

~~PROPOSED~~ ORDER TO
REMOVE DEFENDANT'S
MOTION FOR PROTECTIVE
ORDER OFF CALENDAR

24 MARY NOEL ADAMS,)
25 d/b/a PHASE FORWARD, and PHASE)
26 FORWARD, LLC,)

Date: November 13, 2007

Time: 9:00 a.m.

Dept: Courtroom 2, 5th Floor

27 Defendants.)

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29 Plaintiff Phase Forward Incorporated ("PFI") and Defendants Mary Noel
30 Adams and Phase Forward LLC (collectively, the "parties"), by and through their
31 respective counsel, hereby stipulate and jointly request that the Court remove from its
32 calendar the hearing on Defendants' Motion for a Protective Order Precluding the Trial
33 Deposition of Vinka Ljubimir, or in the Alternative, Protective Order Regulating the Place
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1 and/or Method of Deposition ("Defendants' Motion").

2 As PFI does not intend to re-notice Ms. Ljubimir's deposition but rather will call
3 her as a live witness at trial, the parties further stipulate that Defendants' Motion is moot
4 and will be withdrawn. Finally, the parties stipulate and jointly request that no further
5 briefing be conducted in connection with Defendants' Motion.

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DATED: October 23, 2007

PHILLIPS, ERLEWINE & GIVEN LLP

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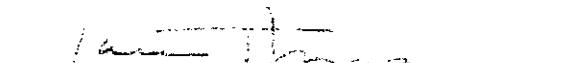
By: 

Meagan McKinley-Ball
Attorneys for Plaintiff

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DATED: October 23, 2007


Laura Thompson, Esq.
Attorney for Defendant

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PURSUANT TO STIPULATION,
^ IT IS SO ORDERED.

ORDER

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DATED: October 24, 2007


HON. HOWARD R. LLOYD
UNITED STATES DISTRICT JUDGE
MAGISTRATE